

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

**CORY SIMPSON,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 2:09-00061**

**JUDGE CHARLES E. KING, JR.,**

**Defendant.**

**MEMORANDUM OPINION**

By Standing Order entered August 1, 2006, and filed in this case on January 22, 2009, this matter was referred to United States Magistrate Judge Mary E. Stanley. Pursuant to 28 U.S.C. § 636(b), the Standing Order directs Magistrate Judge Stanley to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge Stanley submitted her Proposed Findings and Recommendation ("PF & R") on February 3, 2009, recommending that this court dismiss plaintiff's complaint for failure to state a claim upon which relief can be granted and on the basis of defendant's absolute judicial immunity. (Doc. No. 7.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge Stanley's PF & R. Under § 636(b), the failure of any party to file objections within the appropriate time frame constitutes a waiver of that

party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985). No party has submitted objections to the PF & R, and the time period for doing so has now elapsed.

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge Stanley, the court (1) **CONFIRMS** and **ACCEPTS** the factual and legal analysis set forth therein (Doc. No. 7); (2) **DENIES** plaintiff's Application to Proceed without Prepayment of Fees and Costs (Doc. No. 4); (3) **DISMISSES** this action; and (4) **DIRECTS** the Clerk to remove this matter from the court's active docket. A Judgment Order of even date will be entered effectuating the court's ruling.

The Clerk is directed to forward a copy of this Memorandum Opinion to plaintiff and to all counsel of record.

It is **SO ORDERED** this 9th day of April, 2009.

ENTER:

  
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David A. Faber  
Senior United States District Judge